



US Army Corps
of Engineers®
Nashville District

Public Notice

Public Notice No. 07-19

Date: March 12, 2007

Application No. 200002339

Expires: April 11, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Br.
3701 Bell Road
Nashville, TN 37214-2660

SUBJECT: Discharge of Fill Material to Facilitate the
Construction of Two Sediment Ponds in Anderson County, Tennessee
Identified in Office of Surface Mining (OSM) No. 3064

TO ALL CONCERNED: The application described below has been
submitted for a Department of the Army (DA) Permit pursuant to
Section 404 of the Clean Water Act (CWA) (33 U.S.C 1344).
Certification must be provided by the State of Tennessee
Department of Environment and Conservation (TDEC), pursuant to
Section 401(a)(1) of the CWA that applicable water quality
standards would not be violated before a Section 404 permit can
be issued. The applicant has submitted an application to that
agency for the required certification.

APPLICANTS: Premium Coal Company, Inc.
P.O. Box 480
Lake City, Tennessee 37769

AGENT: Southeast Technology, Inc.
120 South Highway 27, Suite 2
Somerset, Kentucky 42501-1783

LOCATION: The proposed ponds are within McQueen Hollow
approximately 1.0 mile northwest of Briceville in Anderson
County, Tennessee. The mitigation reaches are located in
Slatestone Hollow approximately 0.25 miles east of the pond
sites. Both hollows are in the Slatestone Creek watershed which
flows into Coal Creek (Mile 8.1L), a tributary to the Clinch
River (Mile 75.0R). Lake City, TN Quadrangle, Latitude 36-11'-
23", Longitude 84-13'-48".

DESCRIPTION: Premium Coal Company (Premium) applied to the OSM
for a Surface Mining Control and Reclamation Act (SMCRA) permit
(OSM No. 3064) for a refuse fill area and associated mining
structures. In order to facilitate the identified refuse fill
operation, Premium applied to this office for a permit to
discharge fill material into an unnamed tributary of Slatestone

Creek. Impacts to waters would result from the discharge of fill material to facilitate the construction of two sediment ponds. The ponds would total 1.5 acres in size and impact 740 linear feet of the intermittent tributary located in McQueen Hollow.

The applicant proposes to mitigate the stream impacts along Slatestone Creek and an unnamed tributary to Slatestone Creek. The mitigation effort would involve the reestablishment of 250 linear feet of an unnamed tributary along a reach destroyed or degraded by an old culvert and road and the enhancement of 800 linear feet of Slatestone Creek. The mitigation effort along the two reaches would involve rebuilding the channel configuration with stable banks, instream habitat features, and riparian vegetation.

General plans of the proposed work and mitigation are attached to this notice. If you received this notice by mail and wish to view additional plans, please contact this office or visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A DA permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general

environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office or in cooperation with the OSM prior to a final decision concerning issuance or denial of the requested DA Permit.

As part of the SMCRA review, OSM received concurrence from the State Historic Preservation Officer (SHPO) that no properties listed in or eligible for the National Register would be adversely effected per correspondence dated December 14, 2005. The SHPO's letter was specific to the impact area (i.e. refuse area and sediment ponds) located within the boundaries of the SMCRA permit. The proposed stream mitigation area was not reviewed as part of their review. As such, the Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TN DOA). Based on the file search conducted at the TN DOA, the Corps has determined that the project, as proposed, has no potential to affect historic properties eligible for listing in the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Similarly, OSM has initiated review of the impact area with regard to federally listed threatened and endangered species. Available information from the U.S. Fish and Wildlife Service (USFWS) identified that the site is located approximately seven miles from an Indiana bat (*Myotis sodalis*) hibernaculum. The OSM is currently working with the applicant and the USFWS to ensure potential issues related to the Indiana bat are properly addressed. No other federally listed threatened or endangered species were identified in their review. The applicant will be required to perform the activity in accordance with a protection and enhancement plan developed for the activity. As such, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Initiation of formal consultation procedures with the U.S. Fish and Wildlife Service (USFWS) is not planned at this time. A copy of this notice is being furnished to the USFWS. The USFWS is requested to review the project and associated mitigation work and comment concerning any likely effect to any threatened or endangered species or their critical habitat.

Other federal, state, and local approvals required for the proposed work include the following:

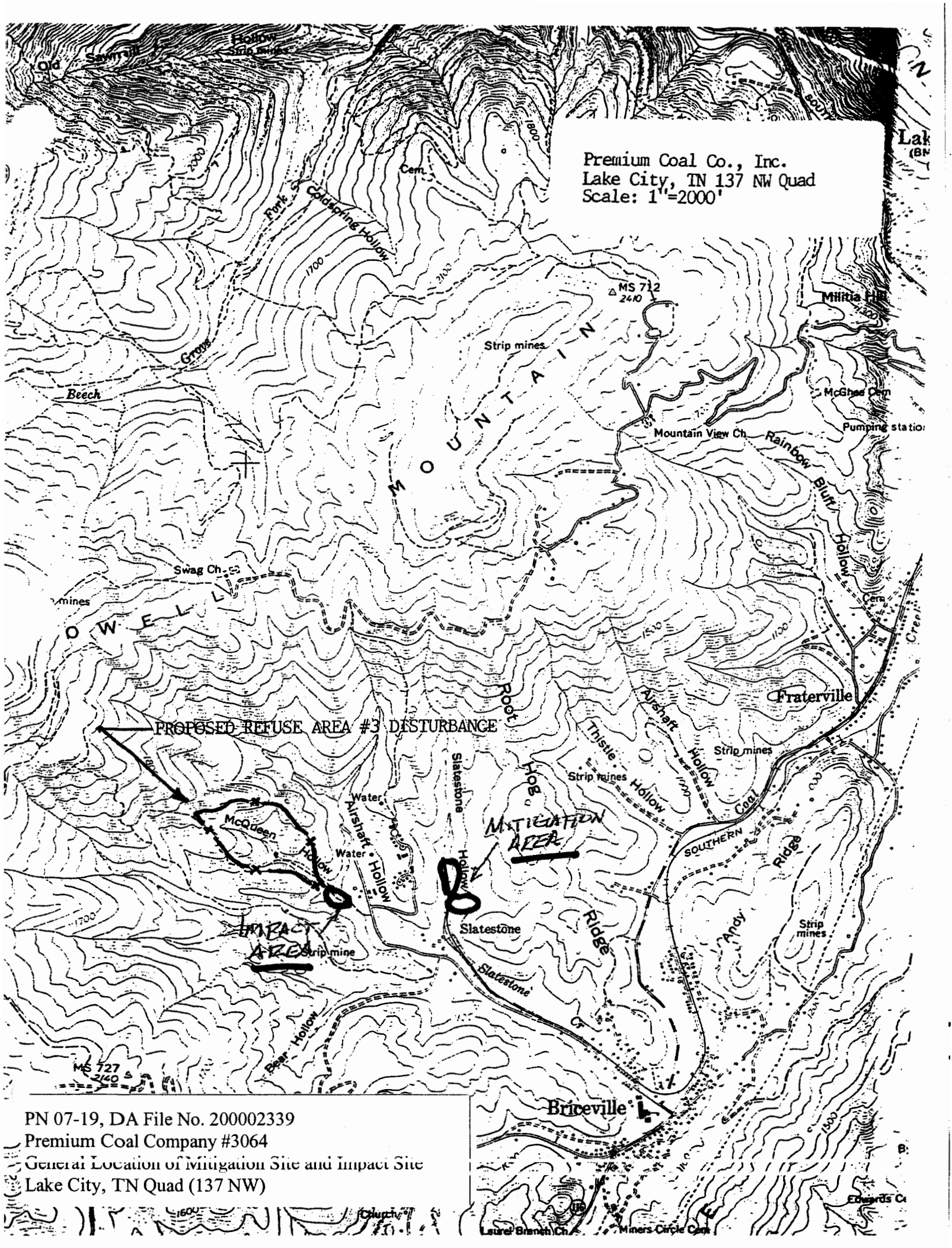
a. Water quality certification from the TDEC in accordance with Section 401(a)(1) of the CWA.

b. A Surface Mining Control and Reclamation Act (SMCRA) permit from the OSM.

c. A National Pollutant Discharge Elimination Permit (NPDES) from the TDEC.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office by April 11, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Mr. Marty G. Tyree, at the above address or at (615) 369-7514.



Premium Coal Co., Inc.
Lake City, TN 137 NW Quad
Scale: 1"=2000'

PROPOSED REFUSE AREA #3 DISTURBANCE

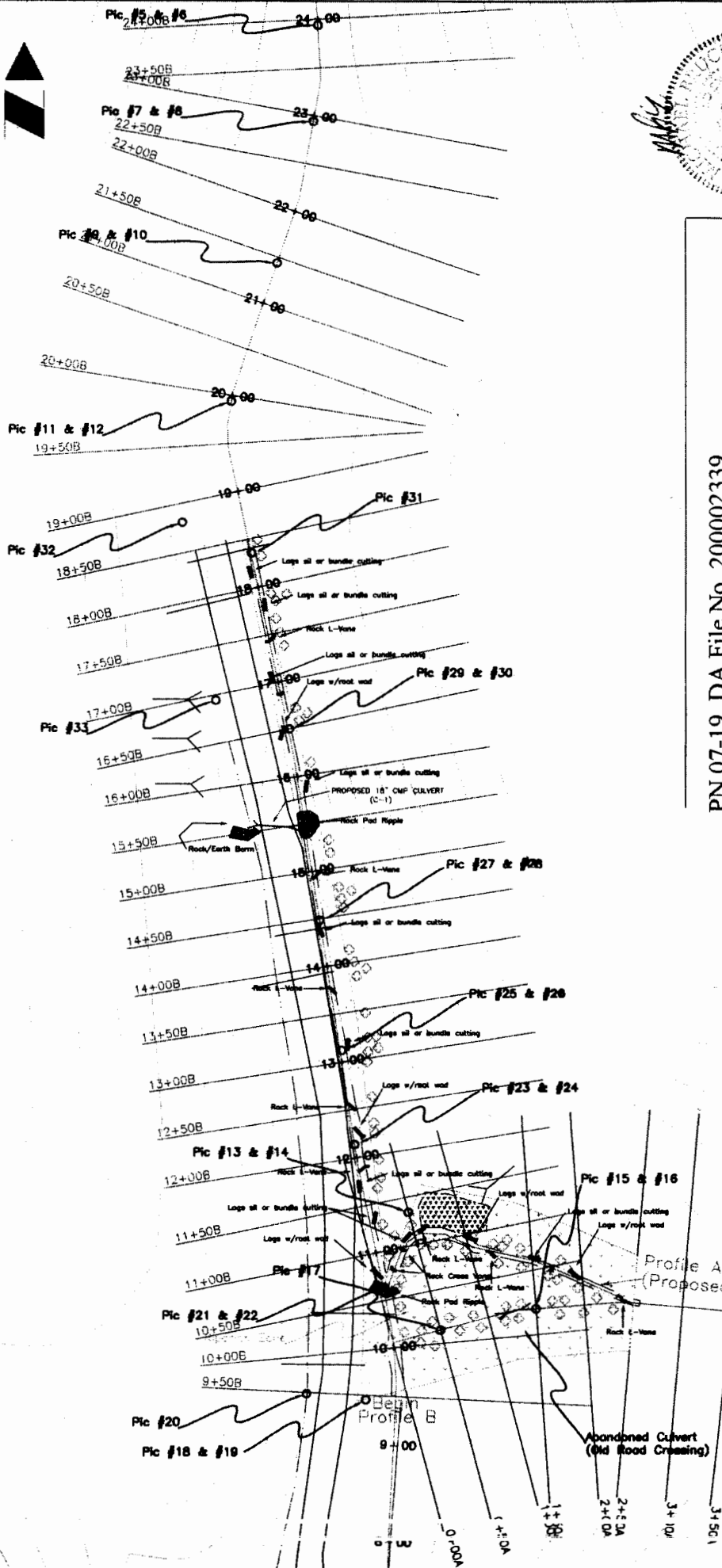
MITIGATION AREA

IMPACT AREA

PN 07-19, DA File No. 200002339

Premium Coal Company #3064

General Location of Mitigation Site and Impact Site
Lake City, TN Quad (137 NW)



PN 07-19, DA File No. 200002339
 Premium Coal Company (OSM No. 3064)
 Mitigation Design along Slatestone Creek and
 Unnamed Tributary



FILENAME: Area3Mit.dwg	DRAWN BY: DWM	SCALE: 1" = 100'
Sta No.: DMSec	CHECKED BY: DWM	DATE: 2/14/07
Sta Dir: C:\SURFACE\	APPROVED BY: MBE	ATTACHMENT: A
	PER. NO: 3064	SHEET: 1
		OF: 1

Prepared By:
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Premium Coal Company, Inc.
 P.O. Box 480
 Lake City, Tennessee 37769
 Site Plan - Profile B
 Refuse Area #3
 Permit Application #3064
 Mitigation Area